

Rev. 06/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Mark N. Horenstein  
Filed : HERewith  
For : METHOD FOR LINEARIZING DEFLECTION OF A MEMS  
DEVICE USING BINARY ELECTRODES AND VOLTAGE  
MODULATION  
Attorney's Docket : BU-097XX

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on \_\_\_\_\_.

By: \_\_\_\_\_

Registration No.

Attorney for Applicant(s)

\*\*\*\*\*

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the  
enclosed references listed on the attached copy of PTO Form #1449. The  
paragraph(s) marked below are applicable to this Information Disclosure  
Statement.

[X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached  
Information Disclosure Statement is being filed within three  
months of the filing date of the above identified national  
application or within three months of the date of entry of the  
national stage as set forth in 37 C.F.R. § 1.491 of the above  
identified application. Accordingly, applicant(s) believes that  
no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the  
attached Information Disclosure Statement is being filed before  
the mailing date of a first Office action on the merits.  
Accordingly, applicant(s) believes that no fee or statement under  
37 C.F.R. § 1.97(e) is required.

- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- [ ] a statement under 37 CFR § 1.97(e); or
  - [ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e) (1)

- [ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e) (2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any

Filed: HERewith  
Atty Docket No.: BU-097XX

additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

The art was cited in PCT International Search Report (copy enclosed) mailed 9/22/03 in International Application No. PCT/US03/07123 filed 2/10/03. Copies of the art have been transmitted by the International Bureau.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

MARK N. HORENSTEIN

By: 

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Date: September 3, 2004

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<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>ATTY. DOCKET NO.</b>  BU-097XX	<b>APPLICATION NO.</b> 10/506654
	<b>APPLICANT:</b> Mark N. Horenstein	
	<b>FILING DATE</b> HEREWITH	<b>TC ART UNIT</b>

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
		US 6,498,870	12/24/02	Wu et al.	385	18	
		US					
		US					
		US					
		US					
		US					
		US					

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

The art was cited in PCT International Search Report mailed 9/22/03 in International Application No. PCT/US03/07123 filed 2/10/03. Copies of the art have been transmitted by the International Bureau.  
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